

CUSTOMER NO.
34456**REMARKS**

In an Office Action mailed July 5, 2005, claims 1, 6, 8-10, and 14-16 were rejected under 35 U.S.C. § 102(e) as being anticipated by Owens, U.S. Pub. No. 2003/0053443 ("Owens") and claims 2-5, 7, 11-13, and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Owens, in view of Iwakata, U.S. Pub. No. 2002/0095299 ("Iwakata"). These rejections are hereby traversed.

1. Owens Fails to Suggest or Disclose All of the elements of Claims 1, 6, 8 and 9

Claim 1 recites a broadband access server responsive to a remote digital subscriber line (DSL) customer premises equipment device, and a communication path to provide for data communications with the broadband access server wherein the broadband access server receives a data packet that includes a device identifier comprising a plurality of fields corresponding to the DSL CPE device.

At page 2, the Office Action acknowledges that Owens "does not explicitly" teach a device identifier comprising a plurality of fields, as recited in claim 1. Owens fails to teach, suggest or disclose all of the elements of claim 1. Therefore, the rejection of claim 1 under §102(e) over Owens is overcome and should be withdrawn. Reconsideration and notice to that effect is respectfully requested.

Claims 6, 8, and 9 depend from independent claim 1. As previously discussed, Owens fails to disclose or suggest all of the elements of claim 1. Therefore, Owens fails to teach, suggest or disclose all of the elements of claims 6, 8, and 9, at least by virtue of their dependency from claim 1. The rejection of claims 6, 8, and 9 is overcome and should be withdrawn. Reconsideration and notice to that effect is respectfully requested.

2. Owens Fails to Suggest or Disclose All of the elements of Claims 10 and 14-16

Claim 10 recites a host server having access to a remote digital subscriber line (DSL) customer premises equipment (CPE) device, the host server receiving a device identifier associated with the DSL CPE device, and a customer service terminal for use in connection with

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a communications network coupled to the host server, the customer service terminal receiving the device identifier and displaying the device identifier to a user of the customer service terminal.

At page 4, the Office Action states:

Claims 10 and 14-16 are corresponding communications systems of claims 1, 6 and 8-9; therefore, they are rejected under the same rationale.

Office Action, p. 4, paragraph 7.

Applicants respectfully disagree with this characterization of claim 10. Independent claim 10 recites different claim elements and has a different claim scope than claim 1.

Moreover, Owens discloses a system for provisioning broadband services in a PPPoE network using DTMF communication. *See Owens*, Abstract, FIG. 1. The DTMF signaling is used to obtain a domain name, a billing telephone number, and other configuration details. *See Owens*, paragraphs 0035-0039. However, Owens fails to disclose or suggest a customer service terminal for use in connection with a communications network coupled to the host server, the customer service terminal receiving the device identifier and displaying the device identifier to a user of the customer service terminal, as recited in claim 10. Thus, Owens fails to disclose or suggest all of the elements of claim 10. Therefore, the rejection of claim 10 under §102 based on Owens is improper and should be withdrawn. Reconsideration and notice to that effect is respectfully requested.

Claims 14-16 depend from independent claim 10. As previously discussed, Owens fails to teach, suggest or disclose all of the elements of claim 10. Therefore, Owens fails to teach, suggest or disclose all of the elements of claims 14-16, at least by virtue of their dependency from claim 10. The rejection of claims 14-16 under §102 based on Owens is improper and should be withdrawn. Reconsideration and notice to that effect is respectfully requested.

3. *Owens and Iwakata Fails to Suggest or Disclose All of the elements of Claims 2-5, 7, 11-13 and 17.*

At page 4 of the Office Action, claims 2-5, 7, 11-13, and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Owens in view of Iwakata. The Office Action asserts

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that Owens "teaches the system of claim 1, but does not explicitly teach wherein the device identifier includes a plurality of data fields..." See *Office Action*, p. 4, paragraph 10. The Office action then states:

In a related art, Iwakata teaches a customer information control system and method for controlling personal information and product identification information of the electronic equipment belonging to a customer, in which the electronic equipment automatically reads out the product identification information (*such as the product model number, manufacturer's serial number, and the like which are provided in advance in order to identify each client machine 10...*)... and sends the product information and the personal information to a host machine... to register in a customer information database.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Owens and Iwakata to include a plurality of data fields in the device identifier for identifying a particular type of CPE equipment since such methods were conventionally employed in the art to allow the system to automatically obtain the product identification information such as the product model number, ... thereby preventing a registration mistake and double registration owing to a user's mistake...

Office Action, p. 4, paragraph 10.

Applicants respectfully disagree with the assertions that such a combination would have been obvious and that such a combination teaches all of the elements of the cited claims.

MPEP 2142 states:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Further, there is no motivation to make the asserted combination. Applicants note that Iwakata is directed to a customer information registration system (see *Iwakata*, Abstract, para 0070), while Owens is directed to a system and method for provisioning broadband service (see *Owens*, Abstract and paragraph 0002, for example). Iwakata is unrelated to provisioning of

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broadband services. Thus, the two references are directed to different arts, and therefore the asserted combination would not be obvious.

Additionally, there is no reasonable expectation of success, in part, because the system of Iwakata is technically inconsistent with the system of Owens. In particular, Owens is directed to provisioning broadband services (*see Owens*, Abstract and paragraph 0002, for example). Iwakata is unrelated to provisioning of broadband services. In contrast to claim 1, Iwakata checks for the existence of a broadband connection prior to requesting personal information input and prior to reading the product identification information (*see*, for example, *Iwakata*, step 301 in FIG. 3 as compared to step 401 in FIG. 5). Thus, Iwakata establishes a broadband connection and then downloads or uploads personal information (steps 303 and sequence) and/or product information (step 401 in FIG. 5). The download or upload disclosed by Iwakata would not occur during a discovery phase. Thus, the two references are technically inconsistent, and therefore the asserted combination would not be obvious.

Finally, there is no suggestion in either reference for making the asserted combination. The only basis for making the asserted combination is provided by the applicant's disclosure. Therefore, the asserted combination constitutes nothing more than a hindsight reconstruction based on the applicant's disclosure. Thus, the asserted combination is improper.

Moreover, even if the asserted combination is made, Owens and Iwakata fail to disclose or suggest all of the elements of independent claims 1 and 10.

Owens discloses transmission of a configuration request from the broadband modem to the remote server using DTMF tones to set up a point-to-point over Ethernet (PPPoE) session. (*See Owens*, Abstract). By contrast, Iwakata uploads product information to a server after a broadband connection has been established. (*See Iwakata*, step 301 in FIG. 3 as compared to step 401 in FIG. 5).

As acknowledged in the Office Action at page 4, there is no suggestion in Owens for receiving during a discovery phase a device identifier comprising a plurality of data fields corresponding to the DSL CPE device, as recited in claim 1. While Iwakata teaches automatically reading out product identification information for populating a customer

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information database (*See Iwakata*, Abstract and paragraphs 0079-0081), Iwakata assumes that the connection is already established between the customer device and the system. During a discovery phase, no connection has yet been made for such a "read out" to occur. In particular, Iwakata discloses that the client machine 10 and the host machine 20 are individually activated and connected with each other via a communication line 300 or the like. (*See Iwakata*, paragraph 0083). The read out begins after confirmation of the connection, not at a discovery phase. (*See Iwakata*, paragraph 0083). More particularly, read out begins at step 401 in FIG. 5 of Iwakata, which is after the confirmation of a connection at step 301 in FIG. 3, and not during the discovery phase, as provided in claim 1. Therefore, the combination of Owens and Iwakata fails to teach, suggest or disclose all of the elements of independent claim 1.

Claims 3-5 and 7 depend from claim 1; therefore, the combination of Owens and Iwakata fails to teach, suggest or disclose all of the elements of claims 3-5 and 7, at least by virtue of their dependency from claim 1. The rejection of claims 3-5 and 7 is improper and should be withdrawn. Reconsideration and notice to that effect is respectfully requested.

Moreover, with regard to claim 10, neither Owens nor Iwakata teach, suggest or disclose a customer service terminal for use in connection with a communications network coupled to the host server, the customer service terminal receiving the device identifier and displaying the device identifier to a user of the customer service terminal, as recited in claim 10. The Office Action rejected claim 10 under the same rationale as claim 1 (over Owens, *see Office Action* at p. 4, paragraph 7) and that claims 11-13 and 17, which depend from claim 10 are rejected under the same rationale as claims 3-5 and 7 (over Owens in view of Iwakata, *see Office Action* at p. 6, paragraph 12). However, as previously discussed with respect to claim 10 above, Owens fails to teach, suggest or disclose all of the elements of claim 10. Similarly, Iwakata (which is directed to a product registration system) fails to teach, suggest or disclose all of the elements of claim 10. Therefore, claim 10 is allowable over the cited references. Claims 11-13 and 17 depend from allowable claim 10. Therefore, claims 11-13 and 17 are allowable, at least by virtue of their dependency from allowable claim 10. Reconsideration and notice to that effect is respectfully requested.

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Finally, the asserted combination fails to disclose or suggest a broadband access server that receives a data packet during a discovery phase that includes a device identifier comprising a plurality of data fields corresponding to the DSL CPE device, as recited in claim 1. Similarly, the combination of Iwakata and Owens fails to teach, suggest or disclose a customer service terminal for use in connection with a communications network coupled to the host server, the customer service terminal receiving the device identifier and displaying the device identifier to a user of the customer service terminal, as recited in claim 10.

Claims 3-9 and 11-17 depend from independent claims 1 and 10. The combination fails to teach, suggest or disclose all of the elements of claims 3-9 and 11-17, at least by virtue of their dependency from independent claims 1 or 10.

In light of the argument presented above, the Examiner has failed to meet his burden of establishing a *prima facie* case of obviousness under § 103(a). First, there is no motivation to combine the reference teachings as suggested since they are directed to completely different problems at different times (during establishment of broadband connection versus after such a connection is established). Second, the prior art references when combined fail to teach or suggest all of the claim limitations. There is at least one element in each of the rejected claims that is not disclosed or suggested in the combination of Owens and Iwakata; even if it were obvious to combine their teachings. Therefore, the rejections under 35 U.S.C. § 103(a) are improper and should be withdrawn. Reconsideration and notice to that effect is respectfully requested.

4. The Cited References Fail to Disclose or Suggest All of the Elements of New Claims 18-21.

New claims 18-21 have been added. Claim 18 recites a broadband access server responsive to a remote digital subscriber line (DSL) customer premises equipment (CPE) device, the broadband access server adapted to receive a data packet during a discovery phase that includes an identifier comprising a device identifier and a device hardware identifier corresponding to the DSL CPE device. None of the cited references teach, suggest or disclose all of the elements of claim 18. Claims 19-21 depend from claim 18. Therefore, none of the cited

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references teach, suggest or disclose all of the elements of claims 19-21. Consideration and notice to that effect is respectfully requested.

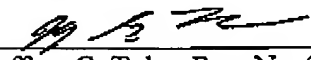
CONCLUSION

Applicants respectfully submit that pending claims 1 and 3-21 are in condition for allowance. Accordingly, the Examiner is requested to issue a Notice of Allowance for all pending claims. If, for any reason, the Office is unable to allow the Application on the next Office Action, and believes a telephone interview would be helpful, the Examiner is respectfully requested to contact the undersigned attorney or agent.

The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

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Date


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